

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FREDDIE FERNANDO WORTHAM,

Plaintiff,

vs.

J. GONZALEZ, N. GRANNIS, DEBRA
HERNDON, B. ARENSON, JAMES A.
HARRIS, M. D. PAYTON, V. ALLEN,
MICHAEL A. SMELOSKY, P. D. VERA,
and R. ANTI,

Defendants.

No. C 09-4474 JSW (PR)

ORDER OF TRANSFER

Plaintiff, a prisoner of the State of California, currently incarcerated at Ironwood State Prison, Blythe, California located in Riverside County, has filed this civil rights action under 42 U.S.C. § 1983 complaining about the conditions of his confinement at the prison. Plaintiff has neither filed an application to proceed *in forma pauperis* nor paid the filing fee, however he has contacted the Court about his failure to do so (docket nos. 3, 4, 5).

In the complaint, Plaintiff complains about Defendants located within the venue of the United States District Court for the Central District of California as well as his conditions of confinement at the prison in that venue. Plaintiff alleges no basis for jurisdiction within the venue of the United States District Court for the Northern District of California.


When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to

1 the claim occurred, or a substantial part of property that is the subject of the action is
2 situated, or (3) a judicial district in which any defendant may be found, if there is no
3 district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a
4 case is filed in the wrong venue, the district court has the discretion either to dismiss the
5 case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. §
6 1406(a). Venue may be raised by the court sua sponte where the defendant has not yet
7 filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790
8 F.2d 1486, 1488 (9th Cir. 1986).

9 Plaintiff brings his claims involving Defendants who reside within the venue of
10 the Central District of California, in a case where a substantial part of the events or
11 omissions giving rise to the claim also occurred. *See* 28 U.S.C. §1391(b)(2).
12 Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28 U.S.C. §
13 1406(a), that this action be TRANSFERRED to the United States District Court for the
14 Central District of California. The Clerk of the Court shall transfer this matter forthwith.

15 IT IS SO ORDERED.

16 DATED: May 3, 2010

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19 JEFFREY S. WHITE
20 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FREDDIE F W WORTHAM,

Plaintiff,

v.

GONZALEZ, et al,

Defendant.

Case Number: CV09-04474 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 3, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Freddie Fernando Wortham Prisoner Id P-82065
Ironwood State Prison
P.O. Box 2199
Blythe, CA 92226

Dated: May 3, 2010



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk